Record of Decision
Antelope Grazing Allotments Project

USDA Forest Service
Silver Lake and Chemult Ranger Districts
Fremont-Winema National Forest
Lake and Klamath Counties, Oregon

Decision and Reason for the Decision

Background

This decision is needed to reauthorize livestock grazing within the Antelope Grazing Allotments project area and supported by the analysis documented in the *Antelope Grazing Allotments Project Final Environmental Impact Statement* (FEIS). The FEIS was prepared by the Fremont-Winema National Forest staff to fulfill the requirements of the National Environmental Policy Act (NEPA).

Forage resources are renewable and sustainable through proper management of non-forested plant community types. Forage resources are renewable on an annual basis, so management must occur on an appropriate temporal scale to maintain and improve this resource. Forest Plans and best available science identify livestock grazing as a management tool to efficiently, effectively, and responsibly manage forage and non-forested plant communities on National Forest System (NFS) lands. The FEIS determined that livestock management practices are sufficient for achieving and maintaining compliance with current Forest Plan direction, applicable laws, and regulations.

This project has been brought forward for analysis in order to comply with the Recissions Act of 1995 (Public Law 104-19, Section 504), as amended, which requires the Forest Service to establish and adhere to a schedule for completion of NEPA analyses and decisions on all grazing allotments.

Specifically, there is a need to:

- Update the Allotment Management Plan (AMP) to incorporate "best available science" that applies to the landscape within these allotments.
- Refine allotment management strategies, systems, and boundaries to better improve livestock distribution and forage utilization across the allotment, consistent with Forest Plan standards.
- Meet Congressional intent to allow grazing on suitable lands as identified in the Fremont and Winema Forest Plans (as addressed in the Multiple Use Sustained Yield Act of 1960, Wilderness Act of 1964, Forest and Rangeland Renewable Resource Act of 1974, Federal Land Policy and Management Act of 1976, National Forest Management Act of 1976, Forest Service Manual 2202.1).
- Continue contributing to the economic and social-well-being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood (FSM 2202.14).

The FEIS documents the analysis of 5 alternatives to meet this need.

Decision

After careful review of the public comments, the FEIS, and the project file, and finding no irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented, I have decided to implement a combination of Alternatives 3 and 5 for the proposed selected actions. A detailed description of Alternatives 3 and 5 and their accompanying mitigation and monitoring measures is included in Chapter 2 of the FEIS (see section 2.3). A more detailed description of the proposed selected actions can be found in Attachment 1 of this Decision. I find it is appropriate to allow the permittee to use a different grazing system and strategy incorporating monitoring and adaptive management to adjust the grazing as necessary to achieve or maintain clearly defined site-specific resource objectives. Based on the analysis disclosed in the FEIS, the grazing impacts that may occur are consistent with the management direction found in the Forest Plans (USDA Forest Service 1989, 1990). Grazing is a permitted use based on both Forest Plans' allocations and goals and objectives. The Forest specialists took great care in developing and reviewing the alternatives so that they could be compared and incorporated new science for resource protection. The grazing strategy selected is consistent with the analysis disclosed in the FEIS, is a blend of several alternatives, and is responsive to public comments (see rationale for decision and public comments below).

The proposed selected actions will continue permitting livestock grazing using management strategies that are consistent with both Forest Plans' standards and guidelines. A maximum of 275 cow/calf pairs will be authorized for grazing from May 1 to October 15 under a Term Grazing Permit and 219 cow/calf pair under a Term Private Land Permit. Early-to-late season use of the various pastures and their approximate timing of use each year are displayed in Attachment 1. Table 1 below provides a summary of grazing to be authorized.

Table 1. Summary of Actions

Actions Proposed	Measures
Allotment size	168,565 acres
Number of pastures	9
Maximum animal unit months permitted	3,300
Maximum cow/calf pairs permitted	275 under term grazing permit and 219 under term private land permit
Number of herds	Variable
Authorized season of use	May 1 to October 15
Permitted season of use	May 15 to September 30
Permitted duration of grazing	4.5 months
Maximum miles of fence construction	20
Miles of fence reconstruction	20.7
Minimum miles of fence removal	1.4
Potential number of new resource protection fences	8
Number of resource protection fences to be reconstructed	2
Potential number of resource protection fences to be maintained	10
Number of spring resources needing maintenance	5
Number of new spring developments	4
Number of ponds needing reconstruction or maintenance	14

Changes/Clarifications From Objection Period
The following modifications were made to this ROD between draft and final, based on input received during the 45-day objection filing period:

Cattle Death in Fens:
An objection was raised about the lack of analysis of the effects of cattle getting stuck and dying in fens on the allotment. After a check of the records and communication with the permittee, it was determined that in the last 10 years, one cow and one calf have died in fens. During those ten years, the Forest Service permitted 419 cow/calf pairs on the Chemult Antelope pasture. This equates to about 838 total head of cattle (419 cows and 419 calves) per year. Over a ten year period, around 8,380 head of cattle have been permitted on the National Forest Lands. The two animals in the last ten years equates to a .00238% chance of cow death in a fen. It is also important to note that elk carcasses have been documented in fens. Death and decomposition are natural processes. Decomposition is usually rapid. Given the relative infrequency of cattle death in fens, the effects are found to be unmeasurable and discountable.

Wildlife Report Clarification:
It is apparent that clarification is needed to explain the differences between: 1) Winema Land and Resource Management Plan (LRMP) standard and guidelines related to viability and maintenance of populations and 2) effects determinations used in a biological assessment to meet the requirements of the Endangered Species Act (ESA).

The Winema LRMP includes the following standard and guideline (LRMP 4-47):

> At the Forest level, fish and wildlife habitat shall be managed to maintain viable populations of all existing native and desired non-native plant and animal species. Distribution of habitat shall provide for species viability and maintenance of populations throughout their existing range on the Forest.
>
> **Viable population is defined in the LRMP Glossary-48:**
> A population which has adequate numbers and dispersion of reproductive individuals to ensure the continued existence of the species population on the planning area.

To document compliance with the LRMP, the wildlife report provides an extensive effects analysis, and in the section titled "Oregon Spotted Frog Conservation and Population Status across the Forest" (p. 58-59), concludes the project will not contribute to a negative trend in viability for Oregon spotted frog across their existing range on the Winema National Forest.

> **The Winema Forest plan also has the following standard and guideline (LRMP 4-47):**
> If endangered, threatened, or proposed species are found in a project area, consultation requirements with the USDI Fish and Wildlife Service shall be met in accordance with the Endangered Species Act (Public Law 93-205).

To meet the requirements in the Winema LRMP and the ESA, the Forest wrote a biological assessment to determine whether a proposed action is likely to adversely affect listed species or designated critical habitat. The outcome of this biological assessment determines whether formal consultation or a conference is necessary (USDI 1998).

The Forest concluded in the biological assessment that the proposed action is likely to adversely affect Oregon spotted frog. This is the appropriate finding if any adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not: discountable, insignificant, or beneficial (USDI 1998).

In summary, the viability analysis is at the population scale across the entire Forest for Forest-level management, while the ESA determination is at the scale of the proposed action. Here, I find that the ESA determination does not rise to the level of a Forest-level viability issue for Oregon spotted frog. Instead, I find that the proposed action is consistent with the Forest Plan viability provisions, which by their terms apply to maintaining viable populations at the Forest level, in Forest-level management. This particular project does not comprise Forest-level management and the Forest's interpretation of its Forest Plan is therefore that the viability provisions do not apply to management below the Forest-wide scale. In any event, in an abundance of caution, this project is consistent with the Forest-scale viability provisions for the reasons below, in addition to those identified in the FEIS p. 3-95 2.4.3.2.1:

1) Grazing occurs on only a distinct portion of several areas of designated frog critical habitat located across the Forest, and impacts in this distinct portion are minimized due to the project design criteria, adaptive management strategy, and monitoring elements associated with this project. As an example, the selected actions contain implementation monitoring trigger points and thresholds that will indicate when livestock will need to be removed from an area or pasture once allowable utilization standards have been reached (i.e. 35% utilization and 20% bank alteration). I also note that USFWS determination of "not likely to adversely affect" for critical habitat.

2) There are positive effects to habitat disclosed within the FEIS and supported with recent science.

- A moderate degree of grazing does not appear to affect frog behavior, suggesting an intermediate level of disturbance may be conducive to Oregon spotted frog habitat use (Hayes *et al.* 1997, p. 6, Hayes 1998b, pp. 8–9, McAllister and Leonard 1997, p. 25, Watson *et al.* 2003, p. 299, Adams et al. 2018).

- Based on this science, Gervais recommended an average 35% utilization standard (moderate intensity) in order to provide better protection for willow and other sensitive vegetation along the creek while removing biomass from areas used by ovipositing frogs and larvae, thus increasing habitat suitability (2011). In addition, a recent study on the effect of grazing on Columbia spotted frog abundance adds to evidence that moderate grazing is beneficial, but does not suggest that grazing is necessary, within an allotment with a target of 45% utilization (Adams et al. 2018).

3) The terms and conditions associated with the Biological Opinion to minimize and monitor the impacts of the taking of individual frogs would be applied to both USFS land and private lands brought in under a private term grazing permit.

4) Restoration projects to enhance habitat on USFS land would continue which would benefit habitat for Oregon spotted frog within the project area.

Sensitive Species Viability:

The Forest analyzed viability of all sensitive species throughout chapter 3 of the FEIS and concluded at p. iv of the FEIS that:

> *Though the action alternatives may impact individuals or habitat (MIIH) of 37 sensitive plant, 7 wildlife species, and 1 fish species, none are likely to cause a loss of viability for the populations, or for the species as a whole, or cause a trend toward the federal listing (MIIH). Monitoring and adaptive management would be used to maintain habitat for these species, as required in Alternatives 3 through 5.*

I note that the viability conclusions in the FEIS took account of the effects of actual, "status quo" grazing system in place prior to completion of this NEPA process, including unauthorized cattle use, and the effects of such grazing on these species. The FEIS also took into account the effects of the various action alternatives, again taking into account factors including unauthorized cattle use.

Spotted Frog Habitat Labeling Crosswalk:
During the objection review process, the review team noted that the pasture labels and names do not clearly match each other between the tables and maps presented in the FEIS and appendices. As such, for clarity, I am providing a crosswalk here:

Location	Wildlife Report	Appendix A, Map 18
Chemult Pasture	Chemult Pasture-USFS and Moffit Private	Upper Jack USFS, Moffit Private
Jack Creek Unit Pasture 1	Jack Creek Unit Pasture 1-USFS	Middle Jack USFS
Jack Creek Unit Pasture 2	Jack Creek Unit Pasture 2-USFS	Lower Jack USFS
Jack Creek Unit Pasture 3	Jack Creek Unit Pasture 3-USFS and Upper Jamison Private	Upper Jamison Private, Upper Jamison USFS
Jack Creek Unit Pasture 4	Jack Creek Unit Pasture 4-USFS and Lower Jamison Private	Lower Jamison Private, Lower Jamison USFS
North Sheep Pasture	North Sheep Pasture-USFS	South Lower Jamison

Degradation and Alteration:
Streambank degradation is not well defined throughout current scientific literature. Most definitions are related to erosion and the process of erosion of a stream channel. Livestock grazing along streambanks can affect the stream in two main ways: first by changing, reducing or eliminating deep-rooted riparian vegetation; and second, by directly altering the streambank by bank shearing and trampling (Platts 1991).Trampling may loosen fragments of soil and make them more erodible (Trimble & Mendel 1995). The stability of a bank is a good measure of the condition of the stream bank related to degradation and is a common measure used in riparian management over the long term. Not all streams have the same potential related to streambank stability. When considering desired conditions, it must be related to the stream potential. Streambank stability desired condition was changed from 80% to 95% of potential in order to meet the intent of MA8 in the Forest plan.

Streambank alteration is a way to measure annual impacts to the stream banks. Streambank alteration is direct disturbance of the streambank by other than natural forces of water, ice, and debris. Large herbivores (e.g., cattle, sheep, horses, elk, moose, and deer), off-highway vehicles, recreation use, road construction, logging, and mining are examples of uses or activities that can cause streambank alteration (Cowley 2002). Streambank alteration does not always equate to long term degradation or stream instability. Streams have the ability to repair some amount of streambank disturbance each year (Gordon et al, 1992). Streambank vegetation and stability affects the amount of streambank alteration the stream can repair annually (Platts 1991).

Private Land Management
Salting distance from water sources is addressed on page 2-32 of the FEIS and states the following:

HY-1—Prohibit salting in aspen areas, in riparian areas, and near developed water sources (e.g., ponds and springs). Salt blocks would be placed at least 0.25 miles from these locations (Leonard et al. 1997) and preferably associated with water troughs. This tactic has demonstrated successful passive prevention of livestock from bedding in meadows.

On some of the private lands, there is not a place in the pasture that is 0.25 miles from the riparian areas. The salt will be placed as far away from the riparian areas as possible.

Rationale for the Decision

I used multiple factors in reaching the decision to choose the proposed selected actions, based on how well the proposed management would meet the need for action, how it responds to issues raised during scoping (section 1.7 of the FEIS), and how it incorporates comments raised during the notice and comment period (Appendix I of the FEIS). The concerns raised during scoping helped to develop 2 additional alternatives and modified the proposed action as described in Alternative 3. I considered and

compared 5 alternatives. My reasons for not analyzing 4 other alternatives in detail are disclosed in section 2.2 of the FEIS. The rationale for not selecting Alternatives 1–5 in whole follows below.

Though all action alternatives are consistent with the Forest Plans, the proposed selected actions were chosen because they would provide the most flexibility in grazing management strategies, while combining portions of two alternatives to protect National Forest System resources and help support the social and economic diversity of the rural community. Compared to the status quo, my decision will authorize grazing on an additional 21,433 acres of Forest-Service rangelands within Forest Plan allocations that envision and allow for grazing. The additional acres were used in calculating carrying capacity and will help further disperse seasonal cattle use across the landscape.

Alternative 5 provided the land base and ability to incorporate large-scale management that allowed some rest, while Alternative 3 provided some of the site-specific management direction used to manage the grazing activities for the allotment. With improved distribution, utilization of forage is expected to be more uniform and not expected to exceed Forest Plan standards or guidelines.

The deferred grazing system is expected to reduce the impacts associated with the concentrated livestock use found in many areas when season-long grazing of the Chemult Pasture occurred. The analysis demonstrated that it was possible to graze while protecting and minimizing impacts on the fens, wet meadows, and sensitive species habitat. The selected alternative is similar to Alternative 3 excluding several of the fenced fens from grazing. Alternative 5 would have opened grazing in all of the fences fens (See table below). To not graze at this point is not consistent with the Fremont or Winema Forest Plan direction or Congressional direction to provide grazing allotments on suitable lands.

Fenced fens authorized for grazing by alternative.

Selected Alternative (same as Alt. 3)	Alternative 5
Dry Meadow	Dry Meadow
Squirrel Camp	Squirrel Camp
Round Meadow	Round Meadow
Riders Camp	Riders Camp
Sproats Meadow	Sproats Meadow
	Johnsons Meadow
	Wilshire Meadow

The analysis demonstrated that grazing could continue under a more controlled grazing strategy. The selected actions have also identified Jack Creek as a separate grazing unit and would not authorize livestock grazing in the Jack Creek 2 & 3 riparian pastures until Oregon spotted frog habitat restoration objectives have been achieved. It is appropriate to allow the permittee to utilize a different management approach on a landscape base more appropriate to his permitted number of livestock and more consistent with best management practices and best available science for grazing management. I find that the rotational and rest period strategy in this decision will provide improved recovery periods for vegetation communities and soils as compared to the current season-long grazing strategy.

Based on my review of the project record, and in my best professional judgment, I find that the decision to implement the proposed selected actions is an improvement over current management practices for grazing the allotment and is responsive to public comments received during the comment period. This decision is based on current resource conditions relative to the desired conditions for the resources across the Project Area and incorporates adaptive management as a tool to provide the flexibility in management needed to maintain or improve those conditions. The following list is a grouped summary of the issues raised during the public comment period that were used to guide the selection of the final actions to be implemented through this decision:

The preferred action should:

- Provide improved distribution of livestock
- Provide flexibility in management of grazing
- Provide protection of fens, wet meadows, and sensitive species habitat
- Consider management needs for restoration of Oregon spotted frog habitat
- Provide for cooperative management of the private lands located within Oregon spotted frog habitat
- Provide for water development and protection of spring areas
- Provide adequate control of grazing through fences, natural barriers, or placement of natural structures

How the Decision Meets the Need for Action

Update the Allotment Management Plan to incorporate the "Best Available Science" that applies to the Landscape within the Allotment

The Chemult Pasture has been grazed under a season-long grazing strategy since the first AMP in 1975. This Decision will combine the current multiple allotments (a relic from when the Fremont and Winema National Forests were separate) into a single allotment, which would provide more uniform administration and reduce duplication of work. Looking at the single allotment will make it possible to take a more holistic approach in moving cattle across the landscape. New information about sensitive plants and fen habitat was incorporated into the grazing system by either excluding cattle grazing from highly sensitive areas or providing for controlled grazing using a deferred rotation system that controls timing and intensity of grazing in fen and riparian units of the Chemult Pasture.

The long periods of rest provide for adequate litter and ground cover. Though grazing when soils are wet can cause soil compaction, use of range readiness criteria (section 2.3.8.1 of the FEIS) prior to turnout will help reduce resource impacts. It is expected that the moderate intensity grazing system will have fewer impacts to riparian and fen conditions than season-long grazing and should show a faster rate of habitat improvement. Short-term, concentrated impacts in portions of the grazing units will be expected, but the longer period of rest between grazing will allow the systems to recover more quickly once cattle are removed.

The Regional Sensitive Species list has changed multiple times since the 1995 EA was prepared for the current AMPs. Surveys for the new species expected to have habitat in the allotment have been completed and protection measures incorporated into the grazing system (see sections 3.2 and 3.3 of the FEIS).

The specialists utilized recent scientific findings for their evaluations. Much of the research used was from specific studies that are ongoing in the area dealing with Oregon spotted frogs, water, and geology

(Blouin 2000; Chelgren et al 2008; Cummings, M.L. 2012; Cushman and Pearl 2007; Ford 2008; Gervais 2011; Gurrieri, J. and A. Aldous 2012; Hayes 1997; Hayes 1998; Markus 2008; McKibbin et al 2008; Pearl et al 2009; Pearl et al 2009b; Ruda and Hogen 2008; Shovlain 2005; USDA FS 2010; Watson et al 2003; White 2002).. This information was incorporated into the project design (section 1.3 of the FEIS). If monitoring indicates unacceptable impacts to habitat, the grazing systems would be adjusted under adaptive management. Should unacceptable resource conditions occur or persist under this grazing system, the grazing strategy may be adjusted or grazing may be discontinued in the area of concern.

Refine Allotment Boundaries and Management strategies and Systems to Improve Livestock Distribution and Forage Utilization across the Allotment Consistent with Forest Plan Standards and Guidelines

The boundaries of the Chemult Pasture was realigned, the North Sheep Pasture was added, and grazing of a portion of the currently excluded areas (e.g. Round Meadow, Riders Camp, Cannon Well, and the Jack Creek Unit) in the Chemult Pasture will be allowed in order to improve livestock distribution. With improved distribution, utilization of forage is expected to be more uniform and not expected to exceed Forest Plans' standards and guidelines. The deferred grazing system is expected to reduce the impacts associated with the concentrated livestock use found in many areas when season-long grazing of the Chemult Pasture occurred. Reducing the grazing season to 1.5 months in the Tobin Cabin Pasture and expanding the size of the pasture will also reduce potential adverse impacts. Adding the North Sheep Pasture and grazing for up to 1 month will also reduce the impacts in the Chemult and Tobin Cabin Pastures. Concentrated use may still occur, but changes in timing and duration of use will allow greater recovery of vegetation, and impacts will be reduced. Areas currently showing evidence of heavy use and disturbance will improve. Through adaptive management, the proposed monitoring/adaptive management plan (see Attachment 2) will allow for changes to the grazing system should unacceptable impacts from grazing affect habitat or range condition.

Dispersing livestock over a larger area will more effectively utilize available forage and reduce contact with big game because of shorter time periods in the various pastures and the routing of livestock will change each year in the Chemult Pasture. The rotational grazing will move cattle through the Chemult and North Sheep Pastures such that Forest Plan standards and guidelines will be met. The deferred rotation and routing of livestock will allow pastures or portions of pastures to have periods of rest.

Adhere to the Recissions Act of 1995 Schedule by Completing National Environmental Policy Act Analysis and Allotment Management Plans for the Grazing Allotments

This decision contributes to the completion of the Forest's National Environmental Policy Act (NEPA) schedule in response to allotments in need of current NEPA analysis and AMPs.

Meet Congressional Intent to Allow Grazing on Suitable Lands Identified in the Forest Plans

This decision will allow grazing to continue on this allotment on National Forest System lands that the Forest Plans have identified as suitable for grazing consistent with current laws.

Continue Contributing to the Economic and Social Well-being of People by Providing Opportunities for Economic Diversity and Promoting Stability for Communities that Depend on Range Resources for their Livelihood

The selected actions will provide the same level of available forage as part of the overall ranching operation. The number of livestock currently using the private lands and the National Forest System lands

by the permittee will increase. The allotment will continue to provide the needed summer forage to provide for a sustainable economic ranching operation (section 3.4 of the FEIS).

How the Decision Responds to the Issues

Grazing in Meadows/Riparian Areas

There was concern that any grazing above natural levels provided by native ungulates would be too much for the sensitive fens and riparian areas and that grazing in areas currently excluded from grazing would reintroduce livestock impacts. Grazing impacts have been disclosed in the FEIS and trends anticipated (Chapter 3 of the FEIS). Desired conditions have been described for the various resources being monitored and trigger points and thresholds have been identified if grazing adjustments are needed using adaptive management (Appendix D of the FEIS).

Forage utilization is consistent with Forest Plan standards and guidelines in both Forest Plans and adherence to permit terms and conditions through monitoring will ensure that these standards are not exceeded. Forage utilization standards ensure that forage is available for big game summer and winter needs, that resource damage is not occurring, and that range condition is either maintained or has an improving trend. The deferred rotational grazing and rest periods being implemented in areas of high value resources will help to protect resource values. The monitoring that triggers changes under adaptive management considers wetland habitat values and functions and may adjust grazing management if necessary. Long-term effectiveness monitoring of trend over a number of years in high value fen areas will also be used to determine if grazing should be removed from the area. Those wet meadows and riparian areas that have been grazed in the past will have reduced impacts compared to the current season-long grazing and will allow for quicker recovery times due to reduced frequency of grazing and periodic rest. The dispersal of livestock over a larger area using deferred or rest rotational grazing strategies and selected management actions will reduce impacts from current season long grazing and reduces impacts associated with livestock concentration in specific areas. The shorter durations and differing times of grazing by year are expected to result in greater periods of forage recovery as well as reduced impacts to soils associated with trampling (section 3.7 of the FEIS).

Grazing in Oregon Spotted Frog Habitat

Concern was expressed that grazing inside the Jack Creek Units would negatively impact Oregon spotted frog habitat and impede recovery of the Oregon spotted frog population within Jack Creek. Forest Specialists were concerned that removing permitted grazing from within Oregon spotted frog habitat would likely lead to the private in-holdings within Jack Creek's Oregon spotted frog habitat being fenced and grazed at stockings, timings, and utilizations of the private landowners' choosing. I believe that the best approach will be to manage the site as recommended by the *Jack Creek Oregon Spotted Frog (*Rana pretiosa*) Site Management Plan*, which suggests that cooperative management of both private and NFS parcels that are occupied by Oregon spotted frog will allow for more efficient use of resources and a greater likelihood of population recovery (Gervais 2011).

The private lands known as Jamison Ranch (upper and lower) will be placed under a term grazing private permit in addition to the current Moffit private land grazing permit which will allow for the recommended *Jack Creek Oregon Spotted Frog (*Rana pretiosa*) Site Management Plan* guidelines and the terms and conditions from the Biological Opinion listed below to be applied across all portions of Oregon spotted frog habitat within the Jack Creek system (section 3.3.1 of the FEIS). A combined effort for habitat improvement and population stability or improvement can be accomplished through managing the private and NFS lands under term permits. The proposed selected actions have identified Jack Creek as a separate grazing unit and will not authorize livestock grazing in the Jack Creek 2 and 3 riparian pastures until

Oregon spotted frog restoration objectives are achieved. When the restoration objectives outlined in a site-specific resource protection plan have been met, restoration efforts will be moved to Jack Creek 1 and Jack Creek 4 and exclusion of livestock will be considered should it be needed to allow the area to stabilize from any disturbance.

The USFWS issued the *Biological Opinion Addressing the Effects of the U.S. Forest Service's Proposed Livestock Grazing Permit for the Antelope Grazing Allotments Project on the Chemult Ranger District, Fremont-Winema National Forest, Oregon on the Oregon Spotted Frog (BO)* on May 21, 2018. The BO concluded that after reviewing the current status of the Oregon spotted frog, the environmental baseline, the effects of the proposed action, and any cumulative effects, it is the Service's biological opinion that implementation of the Forest's proposed action is not likely to jeopardize the continued existence of the Oregon spotted frog.

The following reasonable and prudent measures and the terms and conditions for implementing them from the BO will be incorporated into the AMP and grazing permits:

REASONABLE AND PRUDENT MEASURES

Reasonable and prudent measures are non-discretionary actions to minimize and monitor the impacts of the taking on the listed species, and involve only minor changes to the proposed action:

1. Ensure adherence to the incidental take statement by monitoring the activities under the proposed action that may result in or avoid take of the Oregon spotted frog, and by reporting the results of that monitoring to the Service in a timely manner throughout the term of the proposed action.
2. Improve estimates of the number of Oregon spotted frogs within the affected pastures to refine the estimates of anticipated take of the Oregon spotted frog, and conduct focused surveys to estimate the number of juvenile/metamorphs and adult/subadult Oregon spotted frogs affected by trampling.

TERMS AND CONDITIONS

In order to be exempt from the prohibitions of section 9 of the Act, the Forest must comply with the following terms and conditions, which implement the reasonable and prudent measures, described above and outline required reporting/monitoring requirements. The following terms and conditions are non-discretionary:

1. To implement reasonable and prudent measure #1, the following terms and conditions are required:
    a. The Forest must strictly adhere to the proposed action as specified on pages 8 to 24 of the Assessment.
    b. The Forest must strictly adhere to the Monitoring and Adaptive Management Plan as specified on pages 79 to 84 of the Assessment.
    c. All monitoring specified in the Assessment (and referenced monitoring documents) must be carried out to ensure pasture use guidelines covered by reasonable and prudent measure #1 are followed, including the 35% utilization standard and 20% bank alteration standard. This includes pre- and post-season checks of each allotment to ensure violations do not occur. Any instance of excess use will result in a timely permit action as instructed by Forest regulations and policy and be reported to the Service.

i. Each of these pastures shall have at least three riparian photo points that are photographed at least once a year regardless of whether it is grazed or not.

d. The results of all monitoring required as part of reasonable and prudent measure #1 shall be reported to the Service on a routine basis during the grazing season, and an annual report shall be completed and submitted to the Service by March 31 of each calendar year. Routine site visits will be completed by the Forest to ensure implementation standards (e.g., 35% utilization, 20% bank alteration) are compliant with the proposed action. Data collected during routine site visits will be provided to the Service in a timely manner via a written report or electronic correspondence. These reports shall be submitted to the Service's Klamath Falls Fish and Wildlife Office. The format and content of the annual reports shall conform to that provided in Appendix A of the Assessment, as applicable, but changes may be made, as appropriate, in coordination with and approval of the Service.

2. To implement reasonable and prudent measure #2, the following terms and conditions are required:

   a. The Forest shall initiate working with the Service to develop a draft Oregon spotted frog survey plan to quantify the number of juvenile/metamorphs and subadult/adults within each pasture. The plan shall also include collection of information on Oregon spotted frogs that are found dead or injured in pastures. The plan will describe levels of implementation based on availability of funding. The plan shall be drafted within 6 months of the date of issuance of this Biological Opinion and finalized by both agencies within 3 months following completion of the draft plan.

Grazing Strategies

Concern was expressed that the proposed grazing rotation would place undue hardship on the permittee in achieving success of allotment management and would reduce cow/herd health. Concern was also expressed that appropriate forage estimates had not been allocated to consider currently grazed available forage on the private lands on Jack Creek. The grazing strategy in this decision is responsive to resource protection needs. It is necessary to try a different approach to the season-long grazing currently used and described in Alternative 2. This approach has more costs associated with it in terms of additional fencing, movement of livestock, and management of the herds. Alternative 5 was developed in response to this issue (see sections 2.3.3 and 2.3.5 of the FEIS).

Utilization of Available Forage

There was concern expressed regarding utilization of available forage, including overutilization, underutilization, and uneven distribution of utilization that may be addressed by considering inclusion of acquired lands, fenced meadows, and adjacent unused grazing lands as part of the grazing strategy. The addition of the North Sheep Pasture and use of Round Meadow, Rider's Camp, Cannon Well, Sproats Meadow, Dry Meadow, and Jack Creek Unit in combination with the adaptive management strategy provides for dispersal and improved utilization of forage while protecting the viability of sensitive species and appropriately managing other Forest resources. Forest Plan standards and guidelines from both Forest Plans for utilization will not be exceeded and livestock will be removed from the pasture or allotment as standards are approached. If monitoring indicates adequate regrowth has not occurred, adjustments to the timing, season of use, or allowable use will occur as part of adaptive management. This adaptive management could include seasons of rest if resource conditions indicate a need for such action.

Fencing Strategies

Concern has been voiced regarding the proposed fencing strategies, including the amount and costs of fence construction, reconstruction, maintenance and removal. Concern was expressed that many of the currently fenced meadows are not necessary or larger than necessary to protect sensitive resources. Additional concern was expressed that the fence along the southern portion of the Chemult Pasture is in disrepair and would require reconstruction to adequately control cattle and that fences constructed for resource protection may not be to a standard to control livestock. There was a need to identify alternate fencing strategies to reduce required maintenance needs and reduce fencing costs, while still allowing reasonable success for implementing proposed grazing strategies.

This concern was also identified during the public comment period. There was concern that the cost incurred would make allotment management uneconomical and that the proposed construction and maintenance priorities/schedule would not be sufficient to prevent excess use in the short term. The selected action will allow for the use of natural control features, drift fences, and native material barriers (buck and pole fences) to control livestock movement in and around the allotment. This approach will reduce barriers to wildlife movement while constructing adequate infrastructure to control livestock movement on the allotment. Should the total fencing proposed be needed to control livestock movement in the allotment, construction will be phased in over a period of years. Resource protection fences will be constructed to the same standard as range fences within the allotment so that livestock movement can be controlled. The fences are considered effective barriers to excess use.

Existing resource protection fences that do not control livestock movement will be reconstructed to range improvement standards.

Expansion of Allotment Boundaries

Comments received expressed concern regarding proposed expansion of the allotment boundaries, specifically at the location of Cannon Well and the addition of the North Sheep Pasture. Concern was expressed that the expanded areas would increase the impacts on a greater overall portion of land that is not currently impacted by cattle. Alternative 4 responds to this concern as do Alternatives 1 and 2 because they either do not allow grazing or grazing continues as it currently is permitted without entering these new areas. The FEIS adequately discloses the impacts of grazing to these new areas. Impacts are not expected to exceed Forest Plan's standards or guidelines of either Forest Plan. The dispersal of livestock over a larger area using deferred or rest rotational grazing strategies reduces impacts from the current season long grazing. The proposed selected actions and associated mitigation measures (section 2.3.7) will reduce the impacts associated with livestock concentration in specific areas. The shorter durations and variable times of grazing from year to year are expected to result in greater periods of forage recovery and reduced impacts to soils associated with trampling. This will allow the permittee to demonstrate that the proposed grazing strategy will provide the necessary resource protection through an adaptive management approach (Chapter 3 of the FEIS). Detrimental impacts to resources or the function of special habitats is not expected. Range conditions in these new areas should be maintained in a fair or better condition. If monitoring indicates that resource objectives are not being met due to impacts of livestock grazing, changes would be implemented administratively through adaptive management.

How the Decision Incorporates Comments Raised during Notice and Comment Period

Many of the comments received during the comment period were similar to those received for scoping (Appendix I). The forest used comments received during the scoping period to shape alternatives used during the formal comment period. That connection may not always be easily identified when reviewing each of the final alternatives addressed in the FEIS. To improve the management of grazing on the

allotment, I used the following groupings of comments related to the proposed grazing strategy to determine the proposed selected actions. Even though these concerns are discussed individually, they need to be integrated together to understand the full response. Portions of the allotment grazing strategy focus on specific resource protection through exclusion of grazing while other areas evaluated would adequately protect habitat and ecological functions through control of grazing. This does not mean that evidence of grazing will not be seen or that concentrated use would not occur, but that the grazing will be consistent with both Forest Plan standards and guidelines and desired conditions will be achieved. If monitoring does not indicate fair or good range condition or movement towards fair or good range conditions, the grazing strategy would change using adaptive management.

The following is an explanation of how the grouped summary of the concerns raised during the public comment periods were used to guide the selection of the final actions to be implemented through this decision.

Provide improved distribution of livestock and provide flexibility in management of grazing— Expanding the number of acres available for grazing allows livestock to disperse across the allotment and pastures such that utilization will be more uniform, and provides the flexibility for areas to be placed in a deferred rotation and/or rest rotational grazing system. The numbers of livestock can be varied as well as the timing of use for the areas being grazed. The amount of time livestock spend in pastures will be reduced so that longer periods for recovery of vegetation will occur. Greater flexibility to use adaptive management to adjust the grazing strategy will be available should the results of monitoring indicate a need for a change in management activities.

Provide protection of fens, wet meadows, and sensitive species habitat—Protection of fens, wet meadows, and sensitive species habitat is provided through exclusion of livestock in selected areas and by controlled grazing systems that reduce the amount of time livestock spend in pastures and units through a deferred/rotational grazing strategy. Grazing will be excluded from some fen and riparian habitats (See table below), including sensitive species habitat. The rest of the allotment will utilize early-season grazing and a deferred/rotational grazing system on the Chemult side of the allotment. Grazing in the high-value riparian areas with fen habitat or sensitive species will be controlled through the timing of grazing, such that the amount of time livestock spend in the area is reduced. Varying the timing of entry from year to year and short duration of grazing is expected to provide extended periods of recovery such that habitat functions will be maintained. Fens will be monitored to determine if adverse effects are occurring and if monitoring reveals thresholds are reached or exceeded, livestock will be removed from the portion of pasture or the pasture completely. The long-term trend of grazing impacts will also be monitored in fens to determine if changes are needed in the overall grazing strategy, including exclusion of additional fen habitat from grazing.

Location	Action	Type of Protection
8821-322	New Construction	Exclosure for resource protection—spring community
Corral	New Construction	Exclosure for resource protection
Jack Creek N2	New Construction	Fen exclusion within the North Moffit exclosure
Crooked Meadow	New Construction	Fen exclusion
Little Parker	New Construction	Exclosure for resource protection- fen community
North Moffit	New Construction	Exclosure for riparian protection
Section 9 Spring	New Construction	Exclosure for resource protection—fen community
Cannon Well	Maintenance	Controlled grazing for riparian protection
Dry Meadow	Maintenance	Controlled grazing for riparian protection
Johnson Meadow	Maintenance	Exclosure resource protection
Lower Jack-8802 S	Maintenance	Exclosure in the Jack Creek Unit for resource protection
Middle Jack-8802 N	Maintenance	Exclosure in the Jack Creek Unit for resource protection
Rider's Camp	Maintenance	Controlled grazing for riparian protection
Round Meadow	Maintenance	Controlled grazing for riparian protection and new fence for fen exclusion
Sproats Meadow	Maintenance	Controlled grazing for riparian protection
Squirrel Camp/Sellers	Maintenance	Controlled grazing for riparian protection
Wilshire	Maintenance	Exclosure for resource protection
North Willow	Reconstruction	Exclosure for resource protection

Consider management needs for restoration of Oregon spotted frog habitat—The grazing strategy being implemented in the Jack Creek Unit is guided by the dictates of the Biological Opinion and the recommendations of the *Jack Creek Oregon Spotted Frog (*Rana pretiosa*) Site Management Plan* for both private and NFS lands. Grazing in the Jack Creek Units will occur for up to 3 months, and the location may vary over time based upon restoration activities and monitoring of resource objectives following restoration. No motorized vehicle use will be allowed in occupied frog habitat. Other specific protection measures include installing off channel watering facilities; a maximum 35% utilization level or 6-inch residual stubble height standards in Oregon spotted frog habitat; and varying grazing levels (numbers, timing, and duration) to be responsive to annual variations in habitat conditions.

Provide for cooperative management of the private lands located within Oregon spotted frog habitat—The proposed selected actions will bring private lands, known as Jamison Ranch (upper and lower) and Moffit, in the Chemult Pasture under a term private grazing permit. This action will provide for implementation of allowable use standards and monitoring protocols on private lands that are consistent with those identified in the *Jack Creek Oregon Spotted Frog (*Rana pretiosa*) Site Management Plan*. While management of the private lands for grazing activities would be waived to the Forest Service, all other private landowner rights would be maintained by the land owners.

Provide for water development and protection of spring areas—Implementing the proposed selected actions would provide 4 additional spring developments, improve 4 developed springs, and improve 14 pond developments. The spring developments also include protecting the spring source itself. These improvements and expanded water developments will help to disperse livestock, changing the location of high use areas to help reduce the amount of time livestock spend in more sensitive fen and wet meadow areas.

Provide adequate control of grazing through fences, natural barriers, or placement of natural structures—The cost of fencing was considered when evaluating an implementation plan for completing the identified infrastructure. Implementing the needed infrastructure will be completed in phases to address the need to spread the expected costs over time. Fencing, drift fencing, natural barriers, and native material will be used to provide control. Each year, the allotment will be evaluated to determine where additional control structures may be needed. The FEIS discloses estimates for the amount of fencing material needed (Table 3-15 in section 3.4.3.3 and section 3.4.4.4.1 of the FEIS). The permittee will be allowed to explore methods other than complete fencing to reach a balance between wildlife movements across pastures and providing enough control structures to be consistent with the permitted activity while avoiding excess use.

Other Alternatives Considered

I considered 5 alternatives, which are briefly discussed below. A more detailed comparison of these alternatives can be found in section 2.4 of the FEIS.

Alternative 1—No Action

This alternative would have eliminated livestock grazing from 137,189 acres of NFS lands on the Antelope Grazing Allotment and Antelope Cattle and Horse Allotment. Alternative 1 would not have modified existing permitted grazing on any part of the Jack Creek Sheep and Goat Allotment, nor would it have provide management for grazing on private lands within the Antelope Allotments.

Some commenters would like the decision to be no grazing. The Forest Plans were developed within the direction provided by the National Forest Management Act and Multiple Use Sustained Yield Act. Congress provided additional direction through the Recissions Act to incorporate new science into National Forest Allotment Management Plans (AMPs) through the NEPA process. No findings by the Forest Service specialists involved with this analysis indicated current grazing management was causing excessive resource impacts. The analysis demonstrated that it was possible to graze and provide protection of the fens, wet meadows, and sensitive species habitat. I did not select Alternative 1 because to not graze at this point is not consistent with Forest Plan direction or Congressional direction to provide grazing allotments on suitable lands. Areas needing protection or modification of the grazing system can be incorporated into the AMP and terms and conditions of the permit.

Including more area in the allotment allows flexibility to manage livestock to reduce the amount of time spent in pastures or portion of pastures such that lengthier periods of vegetation and ecologic functions recovery can be provided.

Alternative 2—Current Management

Alternative 2 proposed to continue permitted livestock grazing under current management systems designed to meet Forest Plan standards and guidelines for two herds at 419 cow/calf pairs per month, with permitted grazing from May 15 to September 30. Under Alternative 2, the Antelope Grazing Allotment and Antelope Cattle and Horse Allotment would remain two separate administrative allotments and retain their existing boundaries.

I did not select continuing the season long grazing strategy in the Chemult Pasture because it is not consistent with best available science associated with minimizing resource impacts from grazing. The amount of resource protection fencing has reduced available forage resources while only the Jack Creek riparian fence resulted in a modification to grazing management (numbers) in the current permit, which has pushed the upper limits of allowable use in years of below average forage production. The allotment had the ability to sustain the permitted number of livestock in dry seasons prior to fencing of large

portions of primary range. The loss of area available to grazing and the duration of grazing are causing more concentrated use in portions of the Chemult Pasture, resulting in some conflict with other resource values. The continuation of the season-long grazing on a reduced land base is not adequately protecting resource values to maintain or improve range or other resource conditions in all key areas of the allotment. The new grazing strategy will allow the flexibility to maintain these resource conditions while providing deferment and reducing grazing in those areas where resource conditions may need improvement.

Alternative 3

Alternative 3 proposed reissuing a grazing permit on the Antelope Cattle and Horse Allotment, the Antelope Grazing Allotment, and a portion of the Jack Creek Sheep and Goat Allotment for a maximum of 275 cow/calf pairs under a term grazing permit and 219 cow/calf pairs under a term private land grazing permit using an adaptive management strategy and a 2-year rotation schedule within Jack Creek. Under Alternative 3, the North Sheep Pasture would have been added to the Antelope Grazing Allotment in a deferred-rotation with the Chemult Pasture to better distribute cattle and utilization. The grazing system in the Chemult Pasture would have been changed from a 3-month, season-long grazing system to a deferred-rotation system, made possible by allowing use of additional acreage in some of the existing fenced riparian areas and the North Sheep Pasture. Private inholdings along the Jack Creek Unit would have been brought under allotment management through a term private land permit, to facilitate coordinated management of Oregon spotted frog habitat across ownerships. New exclosures (protection fences) would be constructed around selected sensitive springs and fens. The Tobin Cabin Pasture would be modified to include the Rock Springs area, and grazing would be reduced from 3 months to 1 month. For the inholding pastures of Antelope Flat 3 and 4, the season of use was extended to October 15, to facilitate movement of livestock off the allotments at the end of the grazing season.

I did not select Alternative 3 on its own because it did not provide flexibility in movement of livestock from year to year throughout the allotment. This alternative focused on improving grazing strategies primarily on the Chemult side of the allotment. The grazing system for the pastures was developed such that utilization is the trigger to gauge livestock movement. The proposed selected actions blended the grazing proposed in the Jack Creek Unit Alternative 3 strategy into Alternative 5. Grazing in the Jack Creek Unit will be reduced from 3.5 months to a 3-month grazing season. I have decided to use caution and review annual impacts from grazing and assess effectiveness of other restoration activities prior to allowing the greater flexibility in grazing management in the Jack Creek Unit.

Alternative 4

Alternative 4 provided grazing opportunities to meet multiple-use objectives while addressing public concerns about the protection of important botanical and wildlife resources on the Chemult Ranger District (RD). Alternative 4 proposed continuing permitted livestock grazing under management systems designed to meet Forest Plan standards and guidelines for one herd at 419 cow/calf pairs per month, with grazing authorized from May 20 to July 30. Under this alternative, the Chemult RD portion of the allotment would not have been used and grazing would not have been expanded into the North Sheep Pasture. New exclosures (protection fences) would have been constructed around sensitive springs and fens on the Silver Lake side of the Antelope Grazing Allotment.

The analysis demonstrated that grazing could continue under a more controlled grazing strategy. The analysis also demonstrated that it was possible to graze and provide protection of the fens, wet meadows, and sensitive species habitat. Alternative 4 was not selected because to not graze at this point is not consistent with Forest Plan direction or Congressional direction to provide grazing allotments on suitable lands. It is appropriate to allow the permittee to utilize a different management approach on a landscape

base more appropriate to his permitted number of livestock and more consistent with best management practices and best available science for grazing management. The rotational and rest period strategy in this Decision will provide a better opportunity for improved recovery than the current season long grazing.

Alternative 5

Alternative 5 provided grazing opportunities to meet multiple-use objectives while incorporating concepts that may have resulted in better management of the allotment and of livestock needs. Alternative 5 proposed to continue permitted livestock grazing under management systems designed to meet Forest Plan standards and guidelines for two herds at a total of 419 cow/calf pairs per month with a third herd of 75 cow/calf pair per month under a term private land grazing permit, with grazing authorized from May 15 to October 15 using an adaptive management strategy and 2-year rotation schedule. This alternative included grazing in some fenced riparian areas; on the additional acreage identified from the Jack Creek Sheep and Goat Allotment; and on the private land parcels along Jack Creek known as Upper Jamison and Lower Jamison under a term private land grazing permit to facilitate coordinated management of Oregon spotted frog habitat across ownerships.

Under Alternative 5, the North Sheep Pasture would have been added to the Antelope Grazing Allotment. A 2-herd grazing system on the Chemult RD would be used with a deferred-rotation pattern involving the Chemult, Tobin Cabin, and North Sheep pastures. Tobin Cabin and North Sheep pastures would have had a 1-year rest during the 3-year grazing cycle. For the holding pastures of Antelope Flat 3 and 4, the season of use would have been extended to October 15 to facilitate movement of livestock off the allotments at the end of the grazing season. Finally, new exclosures (protection fences) would have been constructed around selected sensitive springs and fens.

I did not select Alternative 5 on its own because the intensive rotational grazing without fences would be too difficult to achieve. Mixing the two alternatives included the best management practices and the greatest likelihood of success.

Public Involvement

As part of the public involvement process, the agency mailed a scoping letter explaining the need for action, as well as the locations and types of proposed actions, to 100 interested and affected parties on November 1, 2010, and posted on the Forest Web site. Twenty-six comments were received from local landowners, government agencies, environmental groups, and other interested parties in response to the proposed action. Consideration of these comments led to modifying the proposed action, the Forest Service decided to provide another scoping period because the project area had expanded.

A second scoping letter, detailing the new, modified proposed action, was sent to 108 interested and affected parties on September 26, 2011, and added to the Forest Web site. Twelve comments were received from local landowners, environmental groups, and other interested parties in response to the modified proposed action.

The project has also been listed in the Forest's Schedule of Proposed Actions (SOPA) since May 2010. The final comment period began on December 21, 2013. The comment period for the Draft EIS began December 19, 2014.

All comments were considered by the IDT and analyzed for main sources of conflict (i.e., key issues). The interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included grazing in meadows and riparian areas, grazing in Oregon spotted frog habitat, grazing strategies, utilization of available forage, fencing strategies, and expansion of allotment

boundaries. See section 1.7 of the FEIS. To address these concerns, the Forest Service created the alternatives described above.

Public comments regarding the proposed action were analyzed by the IDT and a representative of the Responsible Official. Comment analysis included reading and discussing the comments; preparing a comment tracking spreadsheet to highlight the various points of each letter; and determining how each comment would be addressed. Documentation of the comment analysis is located in the project record.

Findings Required by Other Laws and Regulations

The Fremont and Winema Forest Plans recognize the continuing need for livestock forage production and have determined that the Antelope Allotments are suitable for domestic livestock grazing and capable of supporting grazing. Livestock management direction in the Allotment Management Plan (AMP) needs to be evaluated (and if necessary, updated) to ensure consistency with current Forest Plan management direction and objectives. This decision to reauthorize grazing on the Antelope Grazing Allotments is consistent with the intent of the Fremont and Winema Forest Plans' following long-term goals and objectives:

- Fremont Forest Plan Goals (USDA Forest Service 1989, pp. 49–50):
  - To identify, design, and achieve a high level of multiple-use coordination in all resource management activities
  - To maintain or improve vegetative condition of rangelands through the use of available silvicultural practices and livestock management while providing for other resource uses.
  - To provide for increases in or maintain habitat quantity or quality of those species which 1) are officially listed as endangered or threatened at the state or federal level to insure population recovery and/or 2) are management indicator species
- Fremont Forest Plan Objectives (USDA Forest Service 1989, p. 65):
  - Livestock grazing will remain an important use on the Fremont National Forest.
  - Animal Unit Months (AUMs) will remain close to existing levels proper livestock use of available forage will be emphasized
  - Coordinated management of all resources will result in the achievement of the range objectives as well as the objectives of other resources to meet the projected outputs called for in this Forest Plan
  - Through full implementation of the allotment plans and permittee commitment, the projected livestock numbers will be achieved and other outputs, such as improved range conditions and enhancement of other resources, will be attained
  - The final step in meeting the range objectives of this Plan will be accomplished by monitoring the range management program
- Winema Forest Plan Goals (USDA Forest Service 1990, p. 4-12):
  - Improve range condition by improving the administration of the livestock grazing program
  - The demand for livestock grazing will be met only when it does not conflict with other uses
- Winema Forest Plan Objectives (USDA Forest Service 1990, p 4-12):
  - Manage the range vegetation resource to avoid conflicts with mule deer, to decrease erosion, and to enhance riparian areas. Improve range condition with special emphasis in riparian areas

- Revise, update, and implement all AMPs to meet Forest Plan objectives
- Range improvements will be installed to facilitate range resource management
- Develop and maintain a data base record system to facilitate analysis and reporting procedures

Please see section 1.8 of the FEIS for a detailed description of how this decision is consistent with other laws and regulations.

Implementation

Implementation will occur five days from the day this Decision is signed. Implementation includes signing a new AMP, issuing a new permit, and finally issuing a bill which will authorize grazing. We will not prepare annual operating instructions because the bill is the authorizing document: "Annual grazing under a permit with term status is authorized by Forest Service issuance of a Bill for Collection and acknowledged by the permittee's payment of fees. Use authorized on the bill for collection may be different than shown on Part 1 of the grazing permit." (FSM 2230, Section 2231.41)

Administrative Review or Objection

This decision was subject to objection pursuant to 36 CFR Part 218. Individuals and entities (nongovernmental organizations, businesses, partnerships, State and local governments, Alaska Native Corporations, and Indian tribes) who submit timely, specific written comments regarding a proposed project or activity during any designated opportunity for public comment were eligible to file an objection (36 CFR 218.5(a)).

The 45-day objection filing period began on November 24, 2017, with publication of a legal notice in the Herald and News. The final environmental impact statement (FEIS) and draft record of decision (ROD) were available for review and objection. Three eligible objections were received that had standing. The Forest made the clarifications described in the Decision section of this ROD. A resolution meeting was requested, but the reviewing officer consulted the regulations and chose not to convene a meeting because he found, based on the nature of the objections, the history of the project, and the detailed responses provided by the review team, that a meeting would not be practical or productive (36 CFR 218.11).

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Ben Goodin, Range Program Manager, SO, 1301 S. G St, Lakeview, OR 97630, 541-947-6251.

Douglas C. McKay

DOUGLAS C. MCKAY
District Ranger
Paisley & Silver Lake Ranger Districts

5/25/2018

DATE